

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

**JOHN EVERETT, AMPHF,
JOHN EVERETT, Business, and
JOHN EVERETT, Individually,**

Plaintiffs,

v.

**UNDOCUMENTED ILLEGAL
ALIENS, MEXICAN INVADING
FORCES, and THE REPUBLIC
OF MEXICO,**

Defendants.

1:07CV624

RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

On review of the file,

IT IS RECOMMENDED that this action against the Republic of Mexico be dismissed at this time. Although Plaintiffs' complaint is inartfully drawn, it is clear that Plaintiffs purport to bring a class action proceeding under Rule 23, Fed. R. Civ. P, on behalf of "recipients" who file "valid proof[s] of Claim" against a requested recovery against the Republic of Mexico of nearly four billion dollars. (Docket No. 1, Complaint ¶¶ 10,12.) Plaintiffs, who proceed *pro se*, may not maintain a class action lawsuit such as that attempted herein. See *Oxendine v. Williams*, 509 F.2d 1405 (4th Cir. 1975).

All claims against Defendants “Undocumented Illegal Aliens” and “Mexican Invading Forces” have already been dismissed. Accordingly, final judgment dismissing this action should now be entered. For these reasons, Plaintiffs’ motion for a hearing (Docket No. 21) is **DENIED**.

/s/ P. Trevor Sharp
United States Magistrate Judge

Date: April 30, 2009